

Nalco Docket No. 7774
Customer No. 49459

REMARKS

Reconsideration in view of the following remarks is respectfully requested. Applicants have reviewed the Office Action mailed on December 24, 2008 ("Office Action") and respectfully assert that this paper is responsive to all points raised therein.

Claims 1, 8, 34, and 35 have been amended. New Claims 36 and 37 have been added. These amendments do not add new matter.

CLAIM INTERPRETATION

The Examiner repeats the request that Applicants clarify interpretation of certain claim elements. The Examiner states, "Two structures appear to be set forth as the 'metal-silicate lattice microstructure' and the macrostructure as amorphous or crystalline, wherein the microstructure results from the presence of the metal cation formation with the silicic acid to form the colloidal particles." (Office Action at Page 3).

As stated in the response to the previous office action of June 12, 2008, Applicants respectfully assert that the instant claims should be interpreted with respect to at least the following sections of the Specification. Applicants respectfully point the Examiner's attention to the instant Specification at page 9, lines 2 to 3, which states, "The solid phase in an embodiment is amorphous and has a number of particles that are generally spherical in shape." Also, Page 11, lines 6 to 7 of the Specification state, "The multiple layered colloid particles of the present invention are generally spherical in shape." The Specification continues to describe the lattice structure as:

A colloid with the metal dispersed within the silicate (i.e., incorporated into the particle framework as discussed above), such as having a homogenous distribution of the metal component throughout the entire solid phase of the colloid. Not wishing to be bound by any particular theory, it is believed that the dispersion and loading of the metal is obtained as the copolymerization forms a metal-silicate lattice throughout the microstructure of the solid phase.

(Page 9, lines 18 to 23).

Nalco Docket No. 7774
Customer No. 49459

The microstructure of the solid phase thus includes colloidal particles having an amorphous and generally spherical shape with a copolymerized metal-silicate lattice within the particles. Nonetheless, Applicants have amended Claims 1 and 35 and have added new Claims 36 and 37 to clarify these elements.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Office Action rejected Claims 1, 8, 10, 11, and 32 to 35 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

The claim term “covalently copolymerized” has basis at least at page 9, lines 15 to 17, of the as-filed Specification. This section reads, “The metal silicate solution is subsequently added to the heel to form the colloid. During particle formation, the OH⁻ present in the heel catalyzes the **copolymerization** of the cationic metal component and silicate (SiO₄⁻) from the silicic acid.” (emphasis added).

Accordingly, Applicants respectfully submit that this rejection has been overcome and respectfully request that this rejection be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(a)

The Office Action rejected Claims 1, 2, 8, 10, 11, 32, and 33 under 35 U.S.C. § 102(a) as being anticipated by Cundy et al., “Some observations on the preparation and properties of colloidal silicates. Part I: synthesis of colloidal silicalite-1 and titanosilicalite-1 (TS-1),” Microporous and Mesoporous Materials, 66 (2003): 143 to 156 (“Cundy”). Applicants respectfully traverse this rejection.

Applicants submit herewith a Declaration under 37 C.F.R. § 1.131, signed by coinventor C. Yolanda Ortiz, which shows completion of the claimed invention prior to the December 5, 2003, effective date of Cundy.

Nalco Docket No. 7774
Customer No. 49459

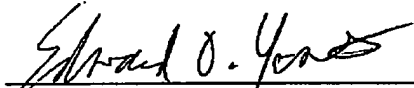
Accordingly, in view of the foregoing and the enclosed Declaration, Applicants respectfully request withdrawal of the rejection of Claims 1, 2, 8, 10, 11, 32, and 33 under 35 U.S.C. 102(a).

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §§ 112, and 102(a). Applicants respectfully assert that all pending claims in this Application are in condition for allowance. Should the Examiner have any questions or comments as to form, content, or entry of this paper, or if any further issues yet to be resolved to advance prosecution of this Application to issue, the Examiner is requested to telephone the undersigned counsel.

Entry of this paper and allowance of all pending Claims 1, 8, 10, 11, and 32 to 37 is respectfully requested. Applicants earnestly solicit early notice to this effect.

Respectfully Submitted,



Edward O. Yonter, Reg. No. 54,882
Nalco Company
Patent and Licensing Department
1601 West Diehl Road
Naperville, IL 60563-1198
Phone: (630) 305-1783

Date: May 19, 2009